IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 12707 of 2006(K)

PETITIONER:

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1. MARTIN M.O., S/O.M.K.OUSEPH,
   PEON, GOVT. U.P.SCHOOL, ANNAMANNADA, RESIDING AT
   MENACHERY HOUSE, ANNAMANADA,
   TRICHUR DISTRICT-680 741.

2. LIJO JOSE, S/O.C.A.JOSE, PEON,
   OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
   TRICHUR, CHOWALLOOR HOUSE, CHRISTIYA VEETTIL,
   PARAVATANI, TRICHUR-680 005.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. DEPUTY DIRECTOR OF EDUCATION, TRICHUR.

2. KERALA PUBLIC SERVICE COMMISSION,
   TRICHUR DISTRICT OFFICE, TRICHUR,
   REPRESENTED BY DISTRICT OFFICER.

3. STATE OF KERALA, REPRESENTED BY THE
   SECRETARY, DEPARTMENT OF GENERAL EDUCATION,
   GOVERNMENT SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD.
SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1: TRUE COPY OF COMMUNICATION DT. 22/4/2004

EXT.P2: TRUE COPY OF NOTIFICATION DT. 1/5/2005.

EXT.P3: TRUE COPY OF RANK LIST

EXT.P4: TRUE COPY OF CIRCULAR DT. 27/4/2006.

EXT.P5: TRUE COPY OF ORDER DT. 5/12/2002.

EXT.P6: TRUE COPY OF NEWS ITEM DT. 29/7/2006.

K.M.JOSEPH, J.

W.P.C.No.12707 OF 2006

Dated this the 22nd day of November,2006.

ORDER

Though an order was passed on 26/09/06 directing the first respondent to file an additional counter affidavit with specific reference to the contentions raised in the reply affidavit, the complaint of the petitioner is that in the additional counter affidavit, the order of this court has not been complied with. In particular, it is pointed out that the allegation in respect of the inter-district transfer given to one Smt. T. M. Sreelatha is not seen answered. Like wise, the allegation in para 8 of the reply affidavit is not seen specifically answered. It is also pointed out that the statement in para 7 of the additional counter affidavit that the vacancy at Government High School Kuzhur is only a short term leave vacancy does not meet the point. It is also pointed out that in terms of Rule 5 of K.S.S.R. a vacancy which lasts for more than six months shall be a substantive vacancy. Duration of the so called short term leave vacancy is not seen mentioned. It is also submitted by counsel for the petitioner that three vacancies of H.S.A (Social Studies) has arisen in Thrissur district in 2006. Learned Government Pleader submits that there is no proposal to fill up any vacancy. This is recorded.

In such circumstances, an additional counter affidavit shall be filed by the first respondent dealing with the aspects which remain to be dealt with as already mentioned in this order. An affidavit as aforesaid shall be placed on record on or before 07/12/2006.

Post on 07/12/2006

K.M.JOSEPH.
JUDGE.

H/O
sv.